

ESTTA Tracking number: **ESTTA28093**

Filing date: **03/14/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Puppuccino, Inc.
Granted to Date of previous extension	03/19/2005
Address	2244 SE Federal Highway108 Stuart, FL 34994 UNITED STATES

Attorney information	Leslie C. Adams The Intellect Law Group 2400 SE Federal HighwaySuite 340 Stuart, FL 34994 UNITED STATES intl@intellectlawgroup.com Phone:772-283-8224
-----------------------------	--

Applicant Information

Application No	78324909	Publication date	01/18/2005
Opposition Filing Date	03/14/2005	Opposition Period Ends	03/19/2005
Applicant	Thorlakson, Lynette M. 2515 109th Avenue SE Bellevue, WA 98004		

	UNITED STATES
--	---------------

Goods/Services Affected by Opposition

Class 031.

All goods and services in the class are opposed, namely: Pet foods, pet supplies, namely, edible pet treats and cat food

Applicant Information

Application No	78324924	Publication date	01/18/2005
Opposition Filing Date	03/14/2005	Opposition Period Ends	
Applicant	Thorlakson, Lynette M. 2515 109th Avenue SE Bellevue, WA 98004 UNITED STATES		

Goods/Services Affected by Opposition

Class 031.

All goods and services in the class are opposed, namely: Pet foods, pet supplies, namely, edible pet treats, bird seed and bird feed

Attachments	Consolidated Opposition for CATPUCCINO and CHIRPPUCCINO.pdf (3 pages)
--------------------	---

Signature	/lca/
Name	Leslie C. Adams
Date	03/14/2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial Nos. 78/324,909, 78/324,924
Marks: CATPUCCINO, CHIRPPUCCINO

-----X	:	
PUPPUCCINO, INC.,	:	
	:	
Opposer,	:	
	:	
- against -	:	Opposition No. _____
	:	
LYNETTE M. THORLAKSON,	:	
	:	
Applicant.	:	
-----X	:	

Box TTAB – FEE

CONSOLIDATED NOTICE OF OPPOSITION

Opposer, Puppuccino, Inc., a Florida corporation located and doing business at 3 SW Flagler Avenue, Stuart, Florida 34994, believes that it would be damaged by the issuance of a registration for the trademark CATPUCCINO as applied for in Application Serial No. 78/324,909, and would be damaged by the issuance of a registration for CHIRPPUCCINO as applied for in Application Serial No. 78/324,924, and therefore opposes the same. As ground for its opposition, Opposer, by and through its attorneys, The Intellect Law Group, alleges as follows:

1. Since at least as early as August 1, 2003, and prior to any date upon which Applicant can rely, Opposer has used the mark PUPPUCCINO for “pet foods,” and for a “retail store featuring pet foods, pet treats, pet toys, pet grooming supplies, pet and people apparel and accessories, pet and people furniture, house wares, and decorative accessories, gifts, stationery and supplies, greeting cards, calendars, and, novelty and

custom items; and online retail store featuring pet foods, pet treats, pet toys, pet grooming supplies, pet and people apparel and accessories, pet and people furniture, house wares, and decorative accessories, gifts, stationery and supplies, greeting cards, calendars, and, novelty and custom items” in United States’ interstate commerce, and is continuing to do so. Further, Opposer has been using the mark in intrastate commerce at least as early as June 23, 2003.

2. On November 7, 2003, Applicant, Lynette M. Thorlakson, filed one of the applications at issue to register the mark CATPUCCINO in International Class 31 for “pet foods, pet supplies, namely, edible pet treats and cat food.” Upon information and belief, Applicant made no use of this mark prior to its filing date.

3. On November 7, 2003, Applicant, Lynette M. Thorlakson, filed one of the applications at issue to register the mark CHIRPPUCCINO in International Class 31 for “pet foods, pet supplies, namely, edible pet treats, bird seed and bird feed.” Upon information and belief, Applicant made no use of this mark prior to its filing date.

4. The marks that Applicant seeks to register are similar in sight, sound, meaning and commercial impression to Opposer’s PUPPUCCINO mark, and will be used on goods that are identical or similar to the goods and services provided by Opposer under its mark. Based on the similarities of the marks and the goods and services, the public is likely to associate the goods offered by the Applicant under the marks CATPUCCINO and CHIRPPUCCINO with Opposer or Opposer’s goods and services, or to believe that Applicant’s goods are sponsored, endorsed or license by Opposer, or that there is some relationship between Applicant and Opposer.

5. For the above reasons, any use of the mark CATPUCCINO by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods associated with the CATPUCCINO mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C § 1052(d).

6. Similarly, for the above reasons, any use of the mark CHIRPPUCCINO by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods associated with the CHIRPPUCCINO mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C § 1052(d).

By reason of the foregoing, Opposer will be damaged by the registration of the marks CATPUCCINO and CHIRPPUCCINO to Applicant.

WHEREFORE, Opposer respectfully requests that this consolidated opposition be sustained and that the registrations sought by Applicant Serial Nos. 78/324,909 and 78/324,924 be denied.

Dated: Stuart, Florida
 March 11, 2005

Respectfully submitted,

THE INTELLECT LAW GROUP

By: /lca/
 Leslie C. Adams
Attorneys for Opposer
2400 SE Federal Highway, Suite 340
Stuart, Florida 34994
Tel. 772.283.8224
Fax. 815.642.9565
E-mail. intlaw@intellectlawgroup.com